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Hon. Analisa Torres
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Shron v. LendingClub Corporation, Case No. 1:19-cv-06718-AT

Dear Judge Torres:

We represent defendant LendingClub Corporation (“LendingClub”) in the above-referenced action and write to request an adjournment of the September 16, 2020 initial pre-trial conference.

As discussed in its August 25, 2020 pre-motion letter to the Court, LendingClub intends to move for a stay of this action pending the ongoing appeal of the Court’s order denying LendingClub’s motion to compel arbitration. See ECF Nos. 25. Critically, the anticipated focus of the September 16 pre-trial conference, including setting a discovery schedule, could be mooted by a grant of LendingClub’s motion to stay. As set forth in LendingClub’s August 25 pre-motion letter, proceeding with discovery pending LendingClub’s appeal could result in substantial harm to LendingClub, including requiring the expenditure of time and expense dedicated to potentially unnecessary class discovery. Indeed, courts staying litigation under these circumstances have recognized that “authorizing an interlocutory appeal from a denial of arbitration . . . evidences a congressional determination that a wrongful denial of the right to have the case sent promptly to arbitration is a harm that cannot be adequately remedied by an appeal at the end of the case.” Meyer v. Kalanick, 203 F. Supp. 3d 393, 396 (S.D.N.Y. 2016). To provide the Court with an opportunity to rule on LendingClub’s motion to stay and preclude any unnecessary efforts by, or harm to, the parties, LendingClub respectfully requests an adjournment of the conference until after a ruling on the anticipated motion to stay.¹

This is the second request for an adjournment of the initial conference (the prior request was submitted in September 2019 in connection with the briefing of LendingClub’s motion to compel arbitration). Plaintiff Marina Shron, by and through her counsel of record, consents to the requested adjournment.

¹ Pursuant to the briefing scheduling set by the Court, LendingClub’s motion to stay will be fully briefed by October 27, 2020. See ECF No. 27.

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Respectfully submitted,

/s/ Raymond A. Garcia

Raymond A. Garcia

cc: All Counsel (via ECF)

GRANTED. The initial pretrial conference scheduled for September 16, 2020, is ADJOURNED to **November 17, 2020**, at **10:20 a.m.** By **November 10, 2020**, the parties shall file their joint letter and proposed case management plan. The parties are directed to dial **888-398-2342** or **215-861-0674**, and enter access code **5598827**.

SO ORDERED.

Dated: September 10, 2020
New York, New York



ANALISA TORRES
United States District Judge